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AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

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OFFICE OF PETITIONS

In re Patent No. 6,750,604 :
Issued: 15 June, 2004 :
Application No. 09/864,013 : ON PETITION
Filed: 23 May, 2001 :
Attorney Docket No. 681954-79 :

This is a decision on the petition under 37 CFR 1.182, filed on 15 December, 2005, requesting the issuance of a duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

Since it is U.S. Patent and Trademark Office practice to assure mailing of all papers on the date indicated, there is a strong presumption that papers duly addressed and indicated as mailed, such as the Letters Patent in this application, are timely delivered to the addressee. To overcome this presumption, a verified statement with supporting evidence, such as any records which would disclose the receipt of other correspondence mailed from the U.S. Patent and Trademark Office on or about 28 September, 2004, but fail to disclose receipt of the Letters Patent mailed on that date, should be promptly submitted. Further, copies of records on which receipt of the Letters Patent would have been entered had it been received are required.

However, if the loss of the Letters Patent was not the fault of the U.S. Patent and Trademark Office or if petitioner simply wishes to avoid overcoming the above-noted presumption, a petition may be filed under 37 CFR 1.182 accompanied by a petition fee of \$400.00 requesting a duplicate Letters Patent. Upon receipt of the petition and petition fee, the request for a duplicate Letters Patent will be granted.

Petitioners state that applicants were represented by Tung & Associates at the time the patent issued. Petitioner's counsel further state that although a letter was sent to Tung & Associates asking whether they had received the Letters Patent, no response has been received. Petitioners further have provided declarations from the assignee and the current practitioners of record stating that the original Letters Patent could not be located.

Although petitioners' counsel states that the original Letters Patent has not been received, petitioners have not provided sufficient supporting documentation (i.e, a copy of the docket record or file jacket where the Letters Patent would have been entered had it been received must be attached to and referenced in practitioner's statement) showing that the original Letters Patent was not received.

Nevertheless, as petitioners have submitted authorization to charge the petition fee, the petition is granted.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent. The file is being forwarded to the Files Repository since it is not necessary for issuance of a duplicate Letters Patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Krystal Paige, South Tower, 8th Floor, Room C-32
(FAX 571-273-9756)